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March 27, 2000

U.S. Department of Transportation
Dockets, Docket No. FAA- 1999-64 11
400 Seventh Street SW.
Room Plaza 401
Washington DC 20590

Attention: Rules Docket No. FAA-1999-6411; Notice No. 99-18-25

Subject: Mitsubishi Heavy Industries, Ltd. Comments to Notice of Proposed Rule Making regarding Transport Airplane Fuel Tank **System** Design Review

Dear Sirs:

Mitsubishi Heavy Industries, Ltd. (MHI) submits these comments in response to Notice of Proposed Rule Making regarding Transport Airplane Fuel Tank System Design Review.

Notice of Proposed Rulemaking (NPRM), Docket No. FAA-1999-6411; Notice No. 99-18 is applicable to certain Model YS-11 and YS-11A Series Airplanes. MHI respectfully requests that the YS-11 and YS-11A airplanes be exempted from the proposed Special Federal Aviation Regulation for the following reasons:

1. No YS-11 or YS-11A airplane is currently being operated in the United States and none is likely to be operated in the future. While the FAA Registry still lists 17 YS-11 or YS-11A airplanes, not one is being operated in the United States. It is our understanding that this is due, in part, to the cost that would have been incurred by operators to comply with other Airworthiness Directives such as the installation of TCAS and a baggage compartment fire extinguishing system;
2. No fuel tank related incident or accident has ever occurred on any YS-11 or YS-11A airplane;
3. The YS-11 and YS-11A airplanes have not been in production since 1974. Although MHI provides product support to the YS-11 fleet it is not engaged in any commercial airline business that would compensate for the additional certification effort being called for by the proposed rule. Moreover, since no one in the United States is operating any YS-11 airplane, no operator would comply with Airworthiness Directive requirements that might result from the proposed SFAR, if they were made applicable to the YS-11; and
4. The FAA's economic analysis of the cost of the design review proposed in this NPRM is based on a fleet wide consideration and the results, on a per airplane cost basis, do not appear to be unreasonable. Moreover, the FAA's cost benefit analysis on a fleet wide basis would appear to support the issuance of the proposed Airworthiness Directive. However, since the

YS-11 and YS-11A were certified pursuant to Civil Air Regulations which did not have requirements similar to FAR 25.981 for an airplane such as the YS-11 or YS-11A, to demonstrate compliance with the new regulations would require an elaborate and complex historical search of documents; extensive analysis and review of the designs; and, elaborate and expensive testing of various systems and components. The result of such an effort would be to develop a maintenance and inspection program for which there would not be a single operator who would implement such a program.

It is noted that in the NPRM preamble [page 58652] the FAA recognizes that certain older reciprocating and certain converted turbine-powered transport category airplanes should be excluded from the rule because the few remaining such airplanes are in cargo service and because their advanced age and small numbers would make compliance impractical from an economic standpoint. The same rationale would be at least as applicable to the YS-11 in view of the fact that not one such airplane is currently operating in the United States and the possibility of such airplanes ever returning to cargo service, much less passenger service in the United States, is virtually non-existent.

In view of these circumstances MHI respectfully requests that the YS-11 and YS-11A airplanes be exempted from the proposed regulations. If the FAA so requires, MHI would be pleased to provide the FAA with the precise details and condition of the YS-11 airplanes that are physically present in the United States.

Mitsubishi Heavy Industries, Ltd. appreciates the opportunity to comment on this Notice of Proposed Rule Making and will be pleased to provide any further details or information that you may require. If you have any questions, please contact the undersigned at (972) 980-5001.

Sincerely,



Ralph Sorrells
Deputy General Manager

cc: Y. Nakata
Manager, Commercial Airplane Design
Nagoya Aerospace Systems Works
Mitsubishi Heavy Industries, Ltd.